



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7576 OF 2024

BHAUSAHEB DAMODAR WANDHEKAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE TAHSILDAR
AND OTHERS**

...

Mr. Sandip Ramnath Andhale, Advocate for the Petitioner.

Mr. V. M. Jaware, AGP for Respondents-State.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 20th JULY, 2024.

P.C.:-

1. Heard the learned Advocates appearing for the respective parties.
2. The petitioner impugns order dated 03.07.2024 passed by the learned Tahsildar/Mamlatdar, Pathardi in Rasta Case No.277/2024.
3. Mr. Andhale, learned Advocate appearing for the petitioner submits that the learned Mamlatdar allowed amendment in application and permitted the respondents to incorporate the cause of action that too at the fag end of the proceeding. He would submit that such recourse would not be permissible under law. Mr. Andhale would further submit that he has specifically contended in reply that no customary way was in existence nor any obstruction is caused by the petitioner. Therefore, such amendment would prejudice the defence of the petitioner.
4. Considering the scheme of the Mamlatdar's Courts Act, the Mamlatdar is empowered to record the verification statement of

the applicant, if the application is not in conformity with the requirements under law. As such, Mamlatdar is bestowed with powers to get rectification of the application moved before him and pass further orders in accordance with law.

5. In that view of the matter, if Mamlatdar has permitted to amend pleadings, the petitioner would be at liberty to refute the contentions brought on record and file his reply to the amended portion, if necessary. No prejudice is caused to the petitioner by the impugned order. No jurisdictional error is pointed to this Court to exercise powers under Article 227 of the Constitution of India. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/July-2024